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Federal Communications Commission
Office of the Secretary

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Implementing a Nationwide, Broadband,
Interoperable Public Safety Network in the
700 MHz Band

Development of Operational, Technical and Spectrum
Requirements for Meeting Federal, State and Local
Public Safety Communications Requirements Through
the Year 2010

PS Docket No. 06-229

WT Docket No. 96-86

**COMMENTS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY ON THE NINTH
NOTICE OF PROPOSED RULE MAKING AND THE PROPOSAL OF THE FEDERAL
COMMUNICATIONS COMMISSION FOR THE IMPLEMENTATION OF A NATIONWIDE, BROADBAND,
INTEROPERABLE PUBLIC SAFETY NETWORK IN THE 700 MHZ BAND.**

The Metropolitan Washington Airports Authority (MWAA) respectfully submits its comments in response to the Ninth Notice of Proposed Rulemaking released by the Federal Communications Commission in the above-referred-to dockets on December 20, 2006 (the "Ninth NPRM").

MWAA is an independent body of government created by interstate compact between the Commonwealth of Virginia and the District of Columbia, with the consent of the U.S. Congress. MWAA operates and maintains Ronald Reagan Washington National Airport and Washington Dulles International Airport. The organization consists of more than 1,300 employees in a structure that includes central administration, airports management and operations, and police and fire departments. The Authority's public safety organizations work closely with all the safety organizations in the National Capital Region. MWAA, along with surrounding public organizations, have a vested interest in the make up and deployment of the public safety 700 MHz spectrum.

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In the 9th NPRM, the Commission proposes to:

- allocate 12 MHz of the 700 MHz public safety spectrum from wideband to broadband use;
- assign this spectrum nationwide to a single national public safety broadband licensee;
- permit the national public safety broadband licensee also to operate on a secondary basis on all other public safety spectrum in the 700 MHz band;
- permit the licensee to provide unconditionally preemptible access to commercial service providers;
- facilitate the shared use of CMRS infrastructure for the efficient provision of public safety broadband service;
- permit the licensee to charge fees for use of its system; and
- establish performance requirements for interoperability, build out, preemptibility of commercial access, and system robustness. This NPRM seeks to promote effective public safety communications and innovation in wireless services in support of public safety and homeland security.

The Metropolitan Airports Authority supports the overall goals and strategic objectives of the Federal Communications Commission's Ninth Notice of Proposed Rulemaking (9th NPRM), FCC 06-181, adopted and released on December 20, 2006 that proposes a comprehensive plan that will promote the rapid deployment of a nationwide, interoperable, broadband public safety network, and thereby improve emergency responsiveness. Although MWAA supports the FCC's overall vision, we, along with RCC Consultants (RCC), cannot support certain specific aspects of the plan outlined by the FCC in the 9th NPRM. MWAA's positions on the proposals in the 9th NPRM are summarized below; further detail outlining MWAA's concerns is set forth in the balance of these comments:

- MWAA does not support allocating 12 MHz of the 700 MHz public safety spectrum from wideband to broadband use;
- MWAA does not support assigning this spectrum nationwide to a single national public safety broadband licensee;
- MWAA does not support a single national broadband licensee therefore we do not support permitting the national public safety broadband licensee also to operate on a secondary basis on all other public safety spectrum in the 700 MHz band;
- MWAA does not support permitting the licensee to provide unconditionally preemptible access to commercial service providers;

- MWAA would support facilitating the shared use of CMRS infrastructure for the efficient provision of public safety broadband service;
- MWAA does support permitting the licensee to charge fees for use of its system; and establish performance requirements for interoperability, build out, preemptibility of commercial access, and system robustness.

Comments

The 9th NPRM seeks to promote effective public safety communications and innovation in wireless services in support of public safety and homeland security. The foundation for this NPRM rests on three assumptions, with which the Authority disagrees:

- One national public safety broadband licensee.
- Some shared resources between a national public safety network and current national commercial networks.
- Every public safety organization that uses the broadband national public safety network would pay some type of yet to be determined network usage fee.

National Licensee

The Commission must seek additional statutory authority to establish a national public safety broadband network operated by a single national licensee (the “Commission’s Public Safety Broadband Proposal”) because the current proposal is in violation of the requirements of several sections of 47 U.S.C. § 337(f)(1), 47 U.S.C. § 337(f)(1)(A), 47 U.S.C. § 337(f)(1)(B), and 47 U.S.C. § 337(f)(1)(C), as stated in RCC’s response to the 9th NPRM date February 15, 2007. MWAA assumes that the FCC would seek that additional approval if it proceeds with this proposal.

The FCC proposes one national licensee to implement a centralized and national approach to maximize public safety access to interoperable, broadband spectrum in the 700 MHz band, and, at the same time, foster and promote the development and deployment of advanced broadband applications, related radio technologies, and a modern, IP-based system architecture. This would be a very tall task for an experienced organization, yet the FAA proposes to eliminate most firms that have sufficient experience to implement the system. The NPRM states:

"We (FCC) envision that the national licensee would have many important responsibilities, including the design and implementation, build-out, and maintenance of the nationwide network, coordination of use by eligible local, state, and federal public safety agencies, and leasing excess capacity on an unconditional, preemptible basis to commercial users, including the discretion to terminate such commercial use when the interest of public safety so demands. As a consequence, we propose that selection of the national public safety broadband licensee should be based on a number of criteria, including experience with public safety frequency coordination, not-for-profit status, and ability to directly represent all public safety interests. We also propose that no commercial interest may be held in the national license or licensee, and that no commercial interest may participate in the management of the national licensee."

Under the FCC's vision, a national licensee would have to spend at least a year hiring expertise and building its own organizational structure. What is required is organizational experience and skill in designing, procuring, building, operating, and maintaining a national wireless network, not just the hiring of many individuals with experience. A new entity is likely to flounder in the face of such a huge task. The FCC would exclude the major wireless carriers and network integrators with the skill and expertise because they are all for-profit organizations.

In addition, for a small organization like MWAA, dealing with the new licensee adds another layer of complexity that likely would require hiring additional staff to work with the new organization. This would add significant costs to MWAA's organization, which is contrary to the FCC stated intent.

Shared Resources

Under the 9th NPRM, the national public safety broadband licensee would be permitted to operate on a secondary basis on the remaining 12 megahertz of public safety spectrum in the 700 MHz band, *i.e.*, the narrowband channels. By secondary the FCC means that the national public safety licensee:

- may not interfere with primary use;
- must immediately remedy any interference it causes to primary uses at its own expense (or shut down the interfering use);
- must accept any interference it receives from primary uses that are operating in accord with their licenses.

While MWAA understands the Commission's motivation in ensuring that the spectrum is used effectively throughout the country, this part of the NPRM is very troubling. If secondary use is permitted, what is the role of the Regional Planning Committees (RPC) attempting to manage the narrowband voice channels? The requirement to "remedy" interference is re-active and means that public safety will experience varying levels of interference before corrections are made by the single national licensee. Does that mean that public safety must first diagnose the problem and then call the single national licensee's national operations center hundreds of miles away? The potential for material interference is too great to permit secondary operations absent the proactive involvement of the RPC.

Second, MWAA does not support unconditionally preemptible access to commercial service providers. The current technology cannot support the challenges that public safety and commercial dual use would present to command and control of the resource. Command and control is the key to a successful implementation of a dual use strategy because it would provide the answers to the following key questions:

- Who does control over the cessation of secondary commercial use does rest with in an emergency situation?
- How do you ensure that secondary commercial use ceases immediately in all areas where such cessation is instantly required?
- How do you ensure that secondary commercial usage does not cease where cessation is not required?
- How to ensure that the national public safety broadband network is designed so as enable selective instant geographic cessation of secondary commercial service by both infrastructure and mobile units?

MWAA concedes that leasing excess capacity to commercial interests has the potential to raise additional revenue to off set the cost of deploying a national broadband network but revenue should be secondary to providing public safety with reliable, instant communications. It is the FCC's responsibility to provide solutions to the problems that dual use would create for public safety organizations. Public safety and commercial interests, by nature, have opposing objectives that would create a conflict of interest. Public safety primary objective is serving the needs of the public. On the other hand, commercial interests' primary objective is to maximize

profit for their share holders. Allowing public safety to lease excess spectrum to commercial interests could lead to revenue generation becoming the primary objective of public safety also and that would not serve the public interest. MWAA is not opposed to public safety leasing from commercial organizations with excess capacity because commercial interests sell bandwidth to customers to make a profit.

Network Usage Fee

MWAA agrees that there should be a funding mechanism in place to support the network; however, the establishment of rates and other service fees should be a decision crafted at the regional level with different rates for different types of organizations. By establishing rates at the regional level, the financial challenges facing various public safety entities can be considered fully by the regional system managers or oversight board. With respect to funding models, many have been tried as the strategy for financing voice networks and the most successful model is a flat rate for a maximum amount of usage with price escalators once that amount is exceeded. Models that charge on the basis of service consumption have rarely succeeded. Typically charges are based upon a flat fee per subscriber device, which allows governmental managers to budget for system access. Usage fees based upon consumption require more administrative review as well as unpredictable budgetary impacts.

Conclusion

In general, the MWAA opposes having one national licensee for the broadband spectrum, but recognizes that there is a need for a national coordination body to oversee and coordinate the management, deployment, and implementation of a national broadband network. In MWAA's view, there should be multiple licensees for the broadband spectrum, with oversight by a national coordination body. The current RPC should be given the responsibility for implementation of the broadband network within its region. The current RPC has both the experience and history of working with the public safety officials in its region. Through this approach, a single broadband

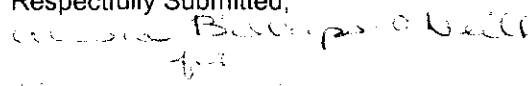
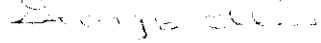
communications network can be established through national standards with regional implementation.

If the FCC decides that a national licensee is necessary, the national licensee should be an existing organization with a distinguished record of designing, procuring, deploying, running and maintaining a complex wireless network. The magnitude of this project is such that it is unreasonable to expect that a new entity that must hire all of its expertise will be able to efficiently implement the broadband network. This is not just a service that requires expertise and experience. Furthermore, licensee compensation should also be based on the size of the network. As the national network grows over time, the licensee compensation should grow with the network.

If the proposed national licensee approach is adopted, the MWAA also asks the FCC to consider reducing the amount of spectrum that the national licensee would manage from 12 MHz to 9 MHz with the remaining 3 MHz managed by each Regional Planning Commission (RPC). This will allow the RPC to field requests for wideband and broadband services not tied to the national broadband network. MWAA is generally opposed to providing unconditionally preemptible access to commercial service providers in the 700 MHz frequency band. On the other hand, we have no objections to public safety sharing bandwidth on commercial networks.

With respect to fees for the system, the MWAA does not agree that fees should be based upon actual usage. MWAA believes that the fee structure should be similar to those used in the commercial world. It is more appropriate to have a set monthly fee for unlimited usage. The proposed fee based upon usage may stifle broadband application innovation because jurisdictions are concerned with broadband costs.

MWAA appreciates the opportunity to comment on this Notice of Proposed Rulemaking.

Respectfully Submitted,

for


George R. Ellis, Vice President
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